

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JOSE MARCILIO CAVAZOS, JR.

CRIMINAL COMPLAINT

CASE NUMBER: 04-MJ-0045-PC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 26, 2004 in Middlesex county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

in knowing and reckless disregard of the fact that certain aliens had come to, entered, and remained in the United States in violation of law, transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii).

I further state that I am a(n) Special Agent, BICE and that this complaint is based on the following
Official Title

facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

08-27-2004

Date

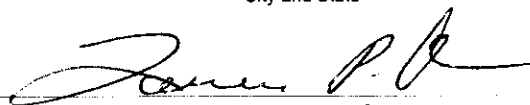
at

Boston, MA

City and State

LAWRENCE P. COHEN
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT WILLIAM SANSONE

I, William Sansone, having been duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with Immigration and Customs Enforcement ("ICE"), formerly the United States Immigration and Naturalization Service ("INS"), and have been so employed since March of 2003. Among other duties, I am assigned to investigate alien smuggling organizations and practices.

2. I am aware that transporting or attempting to transport an alien who is present in the United States in violation of law, knowing or in reckless disregard of the alien's illegal status, is a violation of 8 U.S.C. § 1324 (a) (1) (A) (ii).

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers and agents of this agency. This affidavit is not intended to set forth all of the information that I and other law enforcement personnel have learned during this investigation but is submitted in support of an application for a criminal complaint against Timoteo Rosas ANGUILLUD (ANGUILLUD), DOB 8/22/1954, and Jose Marcilio CAVAZOS JR. (CAVZOS), DOB 2/11/1974, charging both with a violation of 8 U.S.C. § 1324(a) (1) (A) (ii).

4. From my training and experience, I know that, while no two cases are alike, there are usually several different individuals and means of transportation that an alien will encounter throughout the smuggling route from their home country to the United States border, and then to the final destination within the United States from their home country.

5. For example, once a smuggled alien reaches the United States, the alien will usually be taken to a "safe house" or "drop house." Here, a group of smuggled aliens will wait until they can be moved either to their final destination or another "safe house." When the group is ready to be moved, they may be taken to a staging location at which point, they will meet one or more guides, also known as "coyotes," who will transport them to either another or their final locations.

6. Aliens also pay, in some form or fashion, in order to be smuggled into the United States. The manner and means of payment also vary. For example, an alien may pay a sum up front while still in their home country, and pay the balance upon reaching their final destination.

7. On Thursday, August 26, 2004, ICE Boston received information that a passenger van, white in color, bearing Texas license plate Y02-GVY, was encountered by police in Framingham, Massachusetts. According to the Framingham

Police the vehicle was stopped for erratic driving on Union Avenue in Framingham, Massachusetts.

8. Framingham police requested the assistance of ICE in identifying the occupants of the vehicle and determining the Immigration status of the occupants of the vehicle.

9. ICE agents responded to Union Avenue and determined that the passenger in the vehicle, Aerton Romalho Dos Santos, DOB 4/23/1976, is a citizen and national of Brazil and is present in the United States contrary to law.

10. According to Framingham Police, the driver of the vehicle was identified as CAVAZOS and the other passenger in the vehicle, besides Dos Santos, was ANGUILUD. CAVAZOS claims to be a United States Citizen born in Brownsville, Texas. ANGUILUD is a citizen and national of Mexico who is a legal permanent resident of the United States; his alien number is A91 097 241.

11. CAVAZOS was read his Miranda rights in his native language at the scene. CAVAZOS indicated he understood his Miranda rights and agreed to waive his Miranda rights.

12. The ICE agent accompanied CAVAZOS, ANGUILUD and Dos Santos into the Framingham Police Department, which is located directly across the street from where the vehicle stop occurred.

13. CAVAZOS was again advised of his Miranda rights and, after agreeing to waive those rights, spoke with the

ICE agent. The summary of the information provided by CAVAZOS is as follows.

a. CAVAZOS and ANGUILUD were paid to drive the vehicle in question and the passengers from Houston, Texas to Atlanta, Georgia, Florida, Virginia, New York, New Jersey, Pennsylvania and Massachusetts. CAVAZOS' boss is Rocio Mendoza (Mendoza). CAVAZOS had been employed by Mendoza for approximately four months. During this period of time, he had made multiple trips of the same type, transporting approximately the same number of persons. CAVAZOS was to be paid \$500.00 for driving the van.

b. With respect to the most recent trip, on August 24, 2004 CAVAZOS arrived at Mireya Transportation, in Houston, Texas, the place of his current employment. At the company, Mendoza provided him with a passenger list, which contained the names of 16 passengers, their destinations, telephone contact numbers, and a balance due amount. CAVAZOS entered the van as the driver, with the 16 passengers, en route to various locations along the eastern seaboard of the United States. When they got close to a particular passenger's destination, CAVAZOS or the passenger would call the contact number and arrange to have the van met and the passenger picked up. It was at this meet that CAVAZOS would collect any payment that was due. CAVAZOS knew in his mind that the passengers were illegal aliens but he did not ask Mendoza because he needed the money. CAVAZOS

knew that transporting illegal aliens within the United States was against the law.

14. ANGUILUD was advised of his Miranda rights and, after agreeing to waive those rights, spoke with the ICE agent. The summary of the information provided by ANGUILUD is as follows.

a. ANGUILUD and CAVAZOS were paid to drive the vehicle in question and its passengers from Houston, Texas to Atlanta, Georgia, Florida, Virginia, Pennsylvania, New York, New Jersey and Massachusetts. The passengers were from Brazil and Mexico and that the passengers only carried small bags containing clothes. ANGUILUD was to be paid \$110.00 per day on the trip. He had previously made three to four trips, but this was his first trip to the Boston, Massachusetts area. All of ANGUILUD'S previous trips were made while in the employment of Mireya Transportation. ANGUILUD knows his boss as Rozia LNU (phoenetic). ANGUILUD thought the passengers were illegal, but didn't ask because he needed the work. ANGUILUD knew that driving illegal aliens is against the law. CAVAZOS collected all the money when the aliens were dropped off.

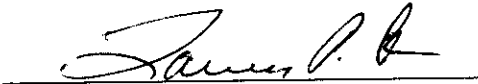
15. Based on the foregoing information, there is probable cause to believe that on or about August 26, 2004, Timoteo Rosas ANGUILUD, DOB 8/22/1954, and Jose Marcilio CAVAZOS JR., DOB 2/11/1974, in knowing and reckless disregard of the fact that certain aliens had come to,

entered, and remained in the United States in violation of law, did transport and move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii).



William P. Sansone
Special Agent
United States Immigration
And Customs Enforcement

Subscribed and sworn to before me this 27th day of August 2004.



LAWRENCE P. COHEN
United States Magistrate Judge

JS 45 (5/97) - (Revised USAO MA 1/15/04)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency ICECity Framingham Related Case Information:County Middlesex Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Jose Marcilio Cavazos, Jr. Juvenile ☐ Yes ☒ No

Alias Name _____

Address _____

Birth date (Year only): 1974 SSN (last 4 #): _____ Sex M Race: Hisp Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA _____ Bar Number if applicable _____

Interpreter: ☒ Yes ☐ No List language and/or dialect: SpanishMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: 8/26/04☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☐ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: _____ Signature of AUSA: _____

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Jose Marcilio Cavazos, Jr.

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>8 USC §1324(a)(1)(A)(ii)</u>	<u>Alien Smuggling</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: